IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

WP(C).No. 38033 of 2007(C)

PETITIONERS:

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1. ANNAMMA JOSEPH,
KUZHIKATTIL HOUSE,
RAJAPURAM P.O., KASARAGOD.

2. K.J. MATHEW, DEEPTHI HOUSE,
CHEROOPA P.O., MEDICAL COLLEGE (VIA),
CALICUT DISTRICT

3. K.J.ANNAMMA, W/O P.J. JOSE,
PATHIPATTIL HOUSE, CHULLIKKARA,
PADIMARUTH P.O., KASARAGODE.

4. CICILY JOSEPH,
NEENDUKUNNEL HOUSE, VARAM P.O.,
NEAR VARAM TALKIES, KANNUR

5. SHIBY JOSEPH, D/O K.M. JOSEPH,
KUZHIKATTIL HOUSE, RAJAPURAM P.O.,
KASARAGOD DISTRICT.

6. LILLYKUTTY LAWRENCE,
W/O JOSEPH LAWRENCE,
EDAYANTHRATH HOUSE, CHALA CROSS ROAD,
VIDYANAGAR P.O., KASARAGOD DISTRICT.

BY ADV. SRI.GRASHIOUS KURIAKOSE

RESPONDENTS:

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1. THE SPECIAL TAHSILDAR, L.A.,
KASARAGODE.

2. MARY JOSEPH, W/O V.M. BABY,
THEKKEVALEL HOUSE, KAPIKKAD,
KALLARA P.O., KOTTAYAM

3. BIJU JOSEPH, KOSAPALLIL HOUSE,
PAINIKARA P.O., RAJAPURAM,
KASARAGOD.

4. SABU JOSEPH, KOSAPALLIL HOUSE,
PAINIKARA, RAJAPURAM P.O.
KASARAGOD.

BY GOVERNMENT PLEADER SRI. R.BINDU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

W.P.(C).38033/2007

Dated this the 19th day of December, 2007

JUDGMENT

This writ petition is filed to direct the Sub Court to allow Ext.P3 petition and to direct the first respondent to re-submit the reference in L.A.R.136/2003 and for a further direction to dispose of L.A.R after reference, as expeditiously as possible. There is some force in the contention of the learned counsel for the petitioners that the amount which is due to them undisputedly is lying in Court deposit that will not fetch any interest.

Therefore, I direct the Court below to consider Ext.P3 application and pass appropriate orders at any rate before 15.1.2008. I also direct the first respondent to re-submit the reference as expeditiously as possible and thereafter the Sub Judge also may try to dispose of the matter as expeditiously as possible. Since the amount is lying in deposit without interest, Court may try to invoke Rule 369 of Civil Rules of Practice and deposit it in the

most beneficial manner to the claimants.

Writ petition is disposed of accordingly.

M.N.KRISHNAN,
Judge

mrcs